



Jinger
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert R. Corbin

December 2, 1980

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ARIZONA ATTORNEY GENERAL

Ms. Janice M Urbanic
Deputy County Attorney
Yavapai County Attorney's Office
Yavapai County Courthouse
Prescott, Arizona 86301

Re: I80-198 (R80-233)

Dear Ms. Urbanic:

Pursuant to A.R.S. § 15-122.B, we concur with your October 28, 1980 opinion to the Yarnell School District No. 52, concerning the preservation of tape recordings of school board meetings.

Sincerely,

Bob Corbin

BOB CORBIN
Attorney General

BC:MP:eb

Mr. John Wagner
October 28, 1980
Page Two

is to preserve as a memorial matters customarily retained in public offices for future enlightenment of those necessarily concerned therewith." The Court goes on to state that as public records are to be kept by law, their destruction is a matter to be regulated by statute. Beasley v. Glenn, (1974) 110 Ariz. 438.

In light of the above-cited statutes and case law, it is my opinion that the Board must preserve school board meeting minutes indefinitely.

It should be noted that your request for an opinion concerning preserving tape-recorded school board meetings did not distinguish between recordings as actual minutes of the meeting and recordings used merely as a back-up for the transcription of written minutes. I believe that in the latter case, recordings used solely as aids in transcription of written minutes need not be preserved in the same manner as those recordings made as the actual minutes of the meetings. If your written minutes accurately reflect the business conducted at the school board meeting, you need preserve the tape-recording of the meetings only for such time as is convenient.

I am forwarding a copy of this letter to the Attorney General's Office. I suggest you continue to preserve any tape-recordings until Attorney General's Office has had an opportunity to review this matter. Please feel free to contact me if you have any questions.

Sincerely,

Janice M. Urbanic
Janice M. Urbanic
Deputy County Attorney

JMU:ab

cc: Attorney General's Office
State Capitol
Phoenix, Arizona 85007

Dr. Eugene Hunt, Superintendent
Yavapai County Schools



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Pollard
R80- 233

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October 28, 1980

EDUCATION OPINION

ISSUE NO LATER THAN

12-31-80

Mr. John Wagner
Yarnell School District No. 52
P. O. Box 488
Yarnell, Arizona 85362

Dear Mr. Wagner:

You have requested an opinion as to whether your district must preserve tape recordings of school board meetings, and if the district must preserve the recordings, what is the length of time the recordings are to be preserved.

As you are aware, Arizona statutory provisions require written or recorded minutes be taken at all school board meetings. (A.R.S. §38-431.01). There is no statutory provision for destruction of the school board meeting minutes; nor is there a statute specifically indicating the length of time such minutes must be preserved.

However, guidelines for dealing with public records in general can be found in A.R.S. §38-421. A.R.S. §38-421 provides in part:

A. An officer having custody of any record, map or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his hands for any purpose, who steals, or knowingly and without lawful authority destroys, mutilates, defaces, alters, falsifies, removes or secretes the whole or any part thereof, or who permits any other person so to do, is guilty of a class 4 felony.

And, in a 1974 Arizona Supreme Court decision, the Court stated that the A.R.S. §38-421 makes it "abundantly clear that the public policy of this State as established by the Legislature